



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during April 2007
DISTRIBUTED: May 8, 2007

This report has been prepared to satisfy a statutory obligation DEP has to inform the public of certain enforcement resolutions. This report does not include summaries of the hundreds of compliance related activities occurring every month because it is impractical to capture a sampling of those activities that would be representative of that work. Please contact Peter Carney at (207) 287-4305 or Peter.J.Carney@Maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and, impose and deter similar actions in the future.

Administrative Consent Agreements Approved by the Board of Environmental Protection and Department of the Attorney General (violator followed by location of violation):

Air Quality:

Chemrock, Thomaston, Maine. Chemrock violated provisions of its Department-issued air emission license by allowing perlite to leak from the facility's kiln causing fugitive emissions to the surrounding area and allowed the facility's baghouse, used to control emissions from the kiln, to leak and fall into disrepair causing emission of perlite dust to the surrounding area. Chemrock also failed to operate air pollution control equipment in a manner to minimize emissions and failed to notify the Department of malfunctions as required. To resolve the violations, Chemrock paid \$6,525.00 as a civil monetary penalty.

International Paper Company, Jay, Maine. International Paper Company ("International Paper") violated provisions of the Department's rules for *Source Surveillance* and provisions of its Department-issued air emission license. Following submission of mandatory reports, the Department documented that International Paper did not meet the continuous emission monitor (CEM) 90% uptime requirement of the Department's rules and its air emissions license. International Paper's CEM uptime was 88.17%. The Department also documented that International Paper violated its air emission license by firing #2 fuel oil with a sulfur content of greater than 0.3% by weight in certain machinery for a period of three days, by exceeding opacity limits on five occasions, and by exceeding license limits for emission of total reduced sulfur on one occasion. To resolve the violations, International Paper paid \$12,067.00 as a civil monetary penalty.

Asbestos:

Tower Transportation, LLC, Kittery, Maine. Tower Transportation, LLC ("Tower") violated provisions of the Department's *Asbestos Management Regulations* and rules for *Non-Hazardous Waste Transporter Licenses* by transporting asbestos waste to a unlicensed facility and operating an unlicensed asbestos waste storage facility. Tower had been retained by a generator of asbestos waste to transport asbestos waste to an out-of-state disposal facility. After picking up the waste, Tower left four tractor trailer box units containing asbestos unattended and unlocked at a truck stop on Route 1 in Kittery. Following Department involvement, Tower agreed to remove the trailers from the truck stop and transport the asbestos waste to a licensed facility and agreed to submit manifests to the Department evidencing proper transport and disposal of the asbestos waste. To resolve the violations, Tower will pay \$4,000.00 as civil monetary penalty.

Hazardous Waste:

Swans Island Electric Cooperative, Inc., Swans Island, Maine. Swans Island Electric Cooperative, Inc. ("SIEC") violated provisions of the *Maine Hazardous Waste, Septage and Solid Waste Management Act*, Maine's *Oil Discharge Prevention and Pollution Control* laws, and the Department's rules concerning *Identification of Hazardous Wastes*, *Standards for Generators of Hazardous Waste*, and *Licensing for Transporters of Hazardous*



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Waste. Specifically, SIEC: discharged hazardous matter PCB oil to the land and failed to report the discharge as required; discharged oil; failed to determine if out-of-service transformers and electrical devices were hazardous waste; transported hazardous waste transformers without a hazardous waste transporter license; failed to mark or label transformers as hazardous waste; failed to label hazardous waste transformers with an accumulation start date; stored hazardous waste in rusted containers; failed to store hazardous waste on a firm, impervious, and continuous working surface; failed to have a containment and collection system for its hazardous waste storage area; accumulated hazardous waste for more than 90 days without a license to do so; stored hazardous wastes in an area with no means of security or entry control; failed to conduct and document daily inspections of hazardous waste containers; failed to store hazardous waste in a manner that allows for inspection and unobstructed movement of emergency personnel; failed to post required danger signs where hazardous waste was stored; failed to develop and maintain a contingency plan for hazardous waste management; failed to provide and document a personnel training program on hazardous waste management for employees; failed to manage universal waste for the purposes of recycling; failed to document proper management or recycling of universal waste; failed to designate a universal waste storage area with appropriate signage; and failed to store universal waste in appropriately labeled containers. Following Department involvement, SIEC submitted to the Department a proposal for clean-up of PCB and oil contaminated soils, consigned 150 waste transformers to a hazardous waste transporter for transport to a facility licensed to handle or dispose of PCB wastes, submitted a hazardous waste contingency plan, and submitted photographs showing appropriate signage, and documentation in support of other corrective actions taken or planned to address the violations. To resolve the violations, SIEC agreed to submit documentation of annual personnel training for hazardous waste management, implement a sampling and analysis plan to determine PCB contamination, submit and implement a PCB remediation plan and schedule, submit documentation to confirm SIEC is in approval with universal waste management rules, and will pay \$13,000.00 as civil monetary penalty.

Land and Mining:

Jimmie W. Awalt, Blue Hill, Maine. Jimmie W. Awalt ("Awalt") violated Maine's *Performance Standards for Excavations* by operating a working gravel pit larger than ten acres without a variance from the Department. Department staff inspected Awalt's gravel pit and determined that the total pit area measured 28.8 acres. Under the *Performance Standards for Excavations*, a working pit cannot exceed ten acres in size unless a variance is obtained from the Department. Following Department involvement, Awalt notified the Department that he had taken measures to reduce the size of the working pit and backfilled areas of the pit where it appeared the water table may have been exposed. To resolve the violation, Awalt agreed to grade and plant areas of the pit with grass so that the working area of the pit is reduced to less than ten acres, and paid \$6,650.00 as a civil monetary penalty.

Cianchette Family LLC, Falmouth, Maine. Cianchette Family LLC violated provisions of Maine's *Natural Resources Protection Act* by constructing a culvert crossing and placing fill in a stream without first obtaining a permit from the Department. A Department inspection of Cianchette Family LLC's property in Falmouth revealed that an 83 foot culvert had been placed in a stream located on the property and filled over. Following Department involvement, Cianchette Family LLC submitted an after-the-fact permit by rule notification for the stream crossing and brought the culvert into compliance with the Department's permit by rule standards. To resolve the violation, Cianchette Family LLC paid \$2,300.00 as a civil monetary penalty.



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Paul Gravel, Poland, Maine. Paul Gravel ("Gravel") violated provisions of Maine's *Natural Resources Protection Act* and the Department's *Permit by Rule* standards by filing a permit by rule notification with the Department and not following permit by rule standards. Gravel submitted a permit by rule notification to plant trees and move rocks that impeded the planting of trees. A Department inspection revealed that an approximately 2,250 square feet area immediately adjacent to Upper Range Pond had been disturbed and the under story vegetation removed. Following Department involvement, Gravel seeded and hayed the area and Department staff documented that new vegetation was becoming well established. To resolve the violation, Gravel paid \$886.00 as a civil monetary penalty.

Dale Henderson Logging, Inc., Dedham, Maine. Dale Henderson Logging, Inc. violated Maine's *Site Location of Development* law by beginning construction of a 54 lot, 300 acre subdivision without first having obtained a permit from the Department. Following Department involvement, Dale Henderson Logging, Inc. submitted to the Department a notification for the subdivision which was subsequently approved by the Department. To resolve the violation, Dale Henderson Logging, Inc. paid \$5,000.00 as a civil monetary penalty.

JLC Mining, Kingfield, Maine. JLC Mining violated provisions of Maine's *Performance Standards for Excavations* by expanding a gravel pit by more than five acres since 1970 without first filing a Notice of Intent to Comply with the Department, as required. Department staff determined through the use of aerial photographs and ground survey equipment that JLC Mining's gravel pit on Tufts Pond Road in Kingfield had been expanded by approximately 11.37 acres since 1970. Following Department involvement, JLC Mining submitted a Notice of Intent to Comply pursuant to the *Performance Standards for Excavations* to operate the cited gravel pit. To resolve the violation, JLC Mining agreed to pay past due annual fees of \$700.00 and paid \$4,250.00 as a civil monetary penalty.

Town of Lebanon, Lebanon, Maine. The Town of Lebanon ("Town") violated Maine's *Natural Resources Protection Act* and the Department's *Permit by Rule* standards by removing and disturbing soil in a freshwater wetland without a permit from the Department, and by filing a permit by rule notification and not following permit by rule standards. In a permit by rule application filed by the Town, the Town proposed to remove vegetation and disturb soil adjacent to an unnamed stream in preparation for building construction. An inspection by Department staff revealed that more than 4,300 square feet of freshwater wetland was altered by removing vegetation and disturbing soil, activities for which the Town had no permit. In addition, the Town removed vegetation and disturbed soil within 25 feet of a stream. Permit by rule standards do not allow any alteration within 25 feet of a stream. Following Department involvement, the Town stabilized and seeded the affected area and replanted trees in the disturbed wetland to the Department's satisfaction. To resolve the violations, the Town agreed to replant any dead or dying trees to achieve a 75% survival rate, and paid \$1,450.00 as a civil monetary penalty.

Bonnie Tompkins, Oxford, Maine. Bonnie Tompkins ("Tompkins") violated provisions of Maine's *Natural Resources Protection Act* by repairing and altering a structure over a great pond without first obtaining a permit from the Department. During the rebuild of a dilapidated boathouse over Thompson Lake, Tompkins replaced more than 50% of the structure, added a floor, added a deck, and converted the structure to a cabin. To resolve the violation, Tompkins agreed to submit a restoration plan to the Department to remove the new structure and stabilize the shoreline once removed, and paid \$2,045.00 as a civil monetary penalty.



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Multi-program:

Steve McGee Construction, LLC a/k/a McGee Construction, LLC, McGee On Road Equipment, LLC, Steven A. McGee, Augusta, Monmouth, West Gardiner, Maine. Steve McGee Construction, LLC violated Maine's *Performance Standard for Quarries* by operating a quarry that drains externally without first obtaining a variance from the Department. Steve McGee Construction, LLC constructed ditch several hundred feet in length to allow water to drain out of the quarry located on West River Road in Augusta. Following Department involvement, Steve McGee Construction, LLC filled in and stabilized the drainage ditch to the satisfaction of the Department.

Steve McGee Construction, LLC violated Maine's *Performance Standard for Excavations* and the *Maine Hazardous Waste, Septage and Solid Waste Management Act* by stockpiling solid waste in a gravel pit. Steve McGee Construction, LLC accumulated tree stumps, vegetation, tires, and demolition debris from off site locations and stockpiled these wastes in the Company's sand and gravel pit located on Cemetery Road in Monmouth, thereby establishing and operating a waste facility. Following Department involvement, Steve McGee Construction, LLC removed the debris from the pit.

McGee On Road Equipment, LLC violated the Department's *Non-Hazardous Waste Transporter* rules by transporting solid waste on a public highway without a Department-issued non-hazardous waste transporter license. McGee On Road Equipment, LLC transported construction and demolition debris consisting of primarily wood beams without a non-hazardous waste transporter license to a location on High Street in West Gardiner.

Steve McGee Construction, LLC and Steven A. McGee violated the *Maine Hazardous Waste, Septage and Solid Waste Management Act* by establishing and operating a waste facility without a Department license. Steve McGee Construction, LLC and Steven A. McGee stockpiled waste including wood beams, construction and demolition debris, waste road pavement, and metals at a location on High Street in West Gardiner.

Steven A. McGee violated the Department's rules for *Open Burning* by conducting open burning of construction and demolition debris at a location on High Street in West Gardiner.

To resolve the violations, Steve McGee Construction, LLC, McGee On Road Equipment, LLC, and Steven A. McGee agreed to: employ on an ongoing basis an environmental compliance officer for all business entities owned by Mr. McGee; conduct a full day training session for field employees and managers of Steve McGee Construction, LLC focusing on compliance with environmental standards for gravel pits, mines, quarries, solid waste and asbestos handling; require all field employees of Steve McGee Construction, LLC to attend a Department Nonpoint Source Training Center Workshop focusing on erosion and sedimentation control; require all field managers employed by Steve McGee Construction, LLC be certified under the Department's Voluntary Contractor Certification Program and maintain that certification; and will pay \$25,170.20 as civil monetary penalty.

Oil:

Larry A. Beaulieu and Gabrielle Beaulieu, Madawaska, Maine. Larry A. Beaulieu and Gabrielle Beaulieu ("Beaulieu") violated provisions of Maine's *Oil Discharge Prevention and Pollution Control* laws by discharging oil to waters of the state and failing to immediately undertake to clean up a prohibited discharge of oil. Beaulieu's above ground heating oil tank, located in a former automobile repair garage, discharged oil to the floor of the repair shop which entered a floor drain that was connected to a storm drain discharging into the St. John River. To resolve



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the violations, Beaulieu agreed to remove the leaking aboveground heating oil tank, and paid \$8,500.00 as civil monetary penalty.

District Court Enforcement Resolutions (case caption followed by location of violation):

Asbestos:

State of Maine, Department of Environmental Protection v. Brad Inforati, Brewer, Maine. Following Brad Inforati's ("Inforati") failure to appear, the District Court for the Division of Southern Penobscot entered a default judgment in favor of the Department finding that Inforati violated Maine's *Asbestos* laws and the Department's *Asbestos Management Regulations*. Inforati hired an unlicensed contractor to conduct an asbestos abatement activity consisting of the removal of 320 linear feet of asbestos-containing pipe insulation and 85 square feet of asbestos-containing boiler covering at a property located on State Street in Brewer. In addition, Inforati's agent failed to follow project design requirements for asbestos abatement, failed to follow work practice requirements for asbestos abatement, and failed to follow applicable requirements governing the release of a regulated area when conducting an asbestos abatement activity. Inforati was ordered to pay \$17,500.00 as a civil monetary penalty.